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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7-6-10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANK FIGUEROA, :  
 :  
 : Plaintiff, : 10 Civ. 3262  
 :  
 :  
 : - against - : **ORDER**  
 :  
 : ROBERT ERCOLE, :  
 :  
 : Defendant. :  
 :  
 -----X

**VICTOR MARRERO, United States District Judge.**

Pro se plaintiff Frank Figueroa ("Figueroa") has applied for the Court to request counsel to represent him in this matter. The threshold consideration in ruling on such an application is the showing of some merit. See Cooper v. A. Sargenti Co., 877 F.2d 170, 172-74 (2d Cir. 1989). Figueroa has not yet met this standard at this stage in the proceeding. If upon the development of a fuller evidentiary record, he can make such a showing at a later point in the litigation, he may reapply for appointment of counsel at that time. Accordingly, it is hereby

**ORDERED** that the motion of plaintiff Frank Figueroa for appointment of counsel is denied without prejudice.

**SO ORDERED.**

Dated: New York, New York  
6 July 2010

  
Victor Marrero  
U.S.D.J.